THE DEVELOPMENT OF CRIMINAL SCIENCES IN CERTAIN SOCIALIST COUNTRIES (SOVIET UNION, BULGARIAN PEOPLE'S REPUBLIC, CZECHOSLOVAKIAN SOCIALIST REPUBLIC, GERMAN DEMOCRATIC REPUBLIC, HUNGARIAN PEOPLE'S REPUBLIC)

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I.

The function of criminal sciences in the socialist countries is to work out the principles, methods and means of the protection of the social, political, state and economic order, and citizens against acts dangerous to society. Criminal sciences are political sciences, they fulfil their social functions by putting into effect socialist policy in the formation of which they participate themselves. The relation between policy, i.e. criminal policy and the criminal sciences, is a dialectical one. Criminal sciences promote that criminal policy should be put into effect, the guiding principles of criminal policy, on the other hand, are founded by the attainments of the criminal sciences.

The relation of policy and criminal sciences ensures the formation of a scientifically founded policy and ensures that theoretical work considers policy and the real sociopolitical goals; this connection restricts volutarism and pseudoscientific, scholastic activity. From the close connection, however, it also follows that political errors and distortions are projected also to theory and taking the forms of theories they may become the sources, the ideological basis of new errors and distortions.

Examining the last three decades of the development of criminal sciences, we may follow the trends of the development of socialist policy and may recognize the initially negative and later more and more positive results of this interaction. Within the examined period we may distinguish three phases: the first embraces the first half of the 1950-s, the second the late 1950-s and the first half of the 1960-s while the third embraces the last 15 years.

In the process of surveying the socialist literature of law we focus our attention on the second and the third phases. The report is not a complete survey. Articles and with a few exceptions textbooks as well as certain minor monograps are not included.

II.

The state of criminal sciences in the first half of the 'fifties was influenced to a great extent by the personality cult and political dogmatism and also by erroneous theses developed in the general theory of law. The dogmatical thesis emphasizing the strengthening of class struggle had a direct influence, on legal doctrines, similarly to the theory recognizing the essence of law in a body of compelling regulations and the vulgar-materialist doctrine of legal relations.[1] The idea of the intensification of class-struggle resulted first of all in a widening of the spectrum of the means of criminal law and their growing importance.[2] However, it was this thesis that laid the foundations of the views professing an overvaluation of judicial legal awareness and founded the opinions concerning the nature of the truth established in the process.[3] A theoretical foundation was laid by interpreting the essence of law in a way excluding legal relationships,[4] for pushing the relationships of criminal procedure and the guarentees in the background,[5] while the voluntaristic doctrine of legal relationships led to the elimination of criminological investigations.[6]

Nevertheless, the mentioned theories and views were characteristic only of a part of the legal literature of the first half of the fifties, for in the Soviet literature many fundamental issues were debated in this period.[7] Significant doctrinal achievements were attained, too, which, however, were reflected by the publication of only a few monographs in the literature of the people's republics.[8]

III.

Starting from the second half of the 'fifties, a continuous upswing of the criminal sciences could be experienced. The beginning of this era was hallmarked by a political renewal, which set the aim of eliminating the personality cult and dogmatism, of the consolidation and development of legality and democratism, of creating a harmony between theory and practice and of inducing society to participate in fulfilling the tasks of the state, which had a fertilizing effect on the development of legal sciences including criminal sciences. The collections and monographs published in this era discussed and revealed significant theoretical issues, and gave them a new evaluation.

1. The theory of penal law

In the second half of the 'fifties a remarkably strong activity could be experienced in the Soviet Union, related to the work of codification. The elaboration of the All-federal Basic Principles of the administration of criminal justice, and of penal law within that, and the creation of the new codes of the Federal republics were on the agenda. The literary activity was manifested primarily by a great number of articles, however, a number of comprehensive works were also published discussing the most

important constituting elements of the concept of criminal offences: the objective elements, causality, the subjective elements,[9] criminal punishment[10] and the result of the act influencing criminal responsibility.[11] The creation of the new criminal code was followed by a serie of comprehensive works. Special mention has to be made of the works of A.A. Gerts enzon (1961) and of V. D. Monshagin (1962).[12]

The scope of research in criminal law was widened further in the first half of the 'sixties,. The subject matter and high number of the published monographs signify that the investigations on the most general theoretical issues of penal law bore fruit and in the people's republics, accumulated scientific experience, created the preconditions of writing textbooks and monographs. The work focused on the tasks, social function and contents of penal law, and on the issues of criminal responsibility and its consequences. However, more and more attention was paid also to the general analysis of the various types of criminal offences. From the aspects of the development of the literature of criminal law, criminological investigations, which started at that time, and the adaptation of their first results, were extremely significant.

1. The tasks, essence and social functions of penal law are discussed in monographs and, mostly in the people's republics, in textbooks.[13] Among the comprehensive works we have to mention the books of Smirnov, Ogurtsov, Solnar and Lekschas.[14] A significant place is given in the literature also to the examination of the concepts and elements of the criminal offence and the statutory defination of offences in connection with their analysis and evaluation.[15] The separation of the categories of felonies and misdemeanours as one of the ways of differentation has been first done in the literature of the GDR. In the lack of space we have to refrain from mentioning a great number of studies and we refer only to the book of H. Weber which reflects the results of the relevant research.[16] The other way of the differentiation of the notion of criminal offence has been represented by the introduction of the system of establishing responsibility in a social way. The ramifications of the discussion of this topic related to the notion of criminal offence still may not be considered as closed.[17] At that time new monographs were published which discussed the elements of the statutory definition of offences, the problems of the objective and subjective elements, their main traits, causality (Nikiforov, Fybiral, Kovalyov, Vaskov, Buzov, Viktorov, Orlov),[18] the perpatrators (Solnar, Losonczy),[19] culpability and responsibility (Viski, Hatala, Balassa, Elkind, Schipkowenszky, Buzov, Lekschas, Loose, Renneberg)[20] and the problems of the system of punishments and sentencing (Novotny, Polasek, Tolar, Szawin, Yefimov, Korlyanskii, Dähn).[21]

2. Theoretical activity concerning the Special Part of criminal law (the particular offences and their punishment) is concentrated mostly on three groups of problems. The first of them is the analysis, evaluation of the statutory definition of specific offences defined in the Special Part of the codes, their separation from other offences and from non-criminal behaviour; the second is the analysis of particular offence groups and their

separation from others; and the third is the examination of the possibilities of internal differentiation (the definition of the basic form and grading) and of decriminalization or perhaps of recriminalization. The value of the works belonging to the first two groups is to be found primarily in the answers given to doctrinal questions and to questions of the interpretation of law, while in the case of works belonging to the third group the merit is the exploration of the social contents of the provisions of criminal law with developing social reality. In the works written during the examined period, from the beginning of the 'sixties, due to the initiated codificational work, a synthesis of the three trends may be seen.

The intensity of theoretical work concerning various groups of offences defined in the Special Parts of penal codes is not identical. The distribution of monographs dealing with certain types of offences is determined by the actual situation of crime and by its structure, by the formation of criminogenic factors accompanying the evolution of modern society and last but not least by the development of the socialist system of responsibility and together with that by the tendencies of limiting, as far as it is possible criminal liability. As a logical consequence of all this, the number of monographs treating the problems of offences against property is very high,[22] and the works discussing offences against life, bodily integrity and health and traffic offences, approach the problems from criminological aspects.[23] It is related to the process of codification that the scope of monographs embraces the theoretical issues of almost all offence-groups.[24]

2. Criminology

The beginnings of the new interest for criminology is linked to the elimination of the rule of the personal cult and of political dogmatism. The foundations were laid by the sharp criticism over the conception of the voluntaristic doctrine of the legal relationship and over the unscientific theories explaining crime by clichés. The voluntaristic doctrines of legal relationship identified legal relationships with social relationships regulated by law and, as a consequence, the study of the social contents of legal relationships was commonly considered superfluous. According to the cliché-like explanations of crime, the cause of the perpetration of criminal offences is to be found exclusively in the remnants of bourgeois mentality in the consciousness of people, therefore, etilogy does not have to go beyond this limit.

The beginnings of criminological studies appeared in the form of laying the theoretical foundations. The aim of this activity was to define the most important issues of systematization and to set up the basic principles of the subject matter of criminology and of criminological methods. The issues of the independence and social functions of criminology, and its relations to other criminal sciences and other disciplines (psychology, pedagogy, statistics) had primary importance. The foundations of criminology were laid down partially on the level of principle[25] partially in connection with the publication of the findings of empirical

studies on juvenile delinquency initiated at the end of the 'fifties.[26] It was that time when research concerning the offenders' personality were initiated[27] and also studies aimed at the exploration of the causes and conditions of offences and at the elaboration of new means of prevention began.[28]

3. The theory of the law of criminal procedure

From the second half of the 'fifties on the interest for the theoretical problems of criminal procedural law has strongly increased. The reason of this phenomenon is rooted in the recognition that the procedure regulated by criminal procedural law has a vital role from the point of view of both the legal and the just realization of the relationship of penal law and the fulfilment of the tasks of the general prevention of crime. The contents and the legal framework of criminal procedure, i.e. its system should be formed in a way that it should be able to ensure the fulfilment of the functions of penal law and the protection of the person proceeded against (suspect, accused) at the same time.

1. The attention of scholars interested in criminal procedure turned to the general theoretical questions in this period. In addition to the criticism of the practices of administering "justice" contrary to the law in the period of the personality cult (and this criticism gave the topic of many studies) monographs also were devoted to the criticism of earlier views concerning judicial legal awareness, truth, procedural principles and guarantees and to formulating new doctrines in connection with them. A number of works discussed the principles of socialist criminal procedure and its main traits (N. N. Polyanskii, N. S. Strogovich, N. S. Alekseyev, V. Z. Lukashevich, V. P. Yakub, etc).[29], and the general theoretical problems of establishing the truth and also the problems of the theory of evidence (Ts. N. Kaz, A. F. Pashkevich, V. D. Arseniev, P. A. Lipshinskaya).[30] The problems of evidence and the law of evidence as the basis of establishing the truth, became the centre of attention. During this relatively short period monographs were published dealing with circumstancial evidence[31], the versions of proof in the judicial process,[32] and the theoretical problems of obtaining,[33] examining and evaluating evidence.[34] In the sphere of general issues a number of the theoretical problems of the doctrines of procedural law were worked out (B. A. Galkin, Ya. O. Motavilovker, N. N. Polyanskii,[35] and the procedural problems of participation in the process also were delt with. It was not for nothing that the works on the participants of the procedure discussed primarily the procedural position and rights of the defendant, the defence counsel and the injured party enforcing his civil claim for damages in criminal procedure.[36]

In the literature of criminal procedural law the doctrines of evidence were put on a new basis. Apart from the mentioned works of the theory of evidence, a number of monographs were published in this period which dealt with the various types of evidence.[37] Of these works, due to their number and also their qualities, works dealing with the problems of expert evidence had a prominent role.[38]

A new topic also appeared in the literature of criminal procedural law, namely the role given to society in the administration of criminal justice. The discussion of the theoretical and practical problems of the new forms of social participation in the proceedings served as the topic of studies first of all. However, at the second half of this period cemprehensive works were also published and they dealt with the problems of social participation in prevention and in the education of the perpetrators of minor offences, on the one hand, and treated the issues of social participation in the administration of justice (social prosecution and social council for the defence) on the other hand.[39] Remarkable works have been published also on the coercive measures applied in the criminal prodedure, on procedural phases and on the characteristics of the activities of authorities proceeding in criminal cases.[40]

2. The major works discussing the preparatory phase of proceedings analyze the tasks, legal regulations and the procedural steps taken in this phase and deal with the legal position and the examination of the defendant's personality.[41] In connection with the problems of first instance court proceedings, it was the preparation for trial and the theoretical and practical aspects of judicial decision-making that came into the fore.[42] Many prominent proceduralists discussed the appellate court (M. L. Strogovich, A. L. Rivlin, E. F. Kuznietsova, and others[43]. The appellate system of the people's republics was between change at that particular period. This fact is reflected by the legal literature where the topic is discussed by monographs (F. Jeszenszky, L. Nagy, E. Husar, S. Pavlov)[44] and comprehensive works as well.[45]

IV.

In the second half of the 'sixties the upswing experienced in the sphere of criminal sciences became more pronounced. This observation is born out by the growing number of major works published at that time and also by the widening scope of the topics of these works. The treatment of the traditional topics of scholarly works in the field of criminal sciences became influenced by sociopolitical and sociological aspects which demanded the discussion of certain theoretical problems anew with the requirement of a deeper analysis and of a complex approach. This complexity was manifested, on the one hand, in the joint analysis, examination, and evaluation of the problems of various branches of criminal sciences and, on the other hand, it reflected the use of the attainments of other sciences to a growing extent. The attention of scholars was focused on the differentiation within the system of establishing responsibility and on decriminalzation and as a direct consequence of this, on the problems of defining and separating the forms of responsibility and on the problems of individualization and of the examination of the defendants' personality. The social necessity of the internal differentiation of criminal liability brought to the fore the development of the criminal sanction system and the differentiation of the internal order of establishing criminal liability.

In order to develop the internal order of establishing criminal liability, or in general criminal procedure, the possibilities of ensuring the effectiveness of civic guarantees and the protection of society at the same time were searched for, and in the field of the law of evidence the possibilities of ensuring the effective discovery of the truth, i.e. the methods of the modernization of taking evidence were explored. From the beginning of the 'seventies more and more emphasis has been given to research concerning the effectivity of the administration of criminal justice. These investigations embrace now the real effectivity of special and general prevention, the practical attainment of the aims of various penal means and the effectivity of the operation of criminal procedural law. In order to increase the effectivity, studies are going on for the prognostication of crime.

1. The theory of penal law

It is the achievements of criminology that have exerted a significant impact on the development of the doctrines of criminal law. This is reflected by the works treating the problems of the notion of criminal offence, the limits of liability, the issues related to the offender's personality or to criminal sanctions. The criminological approach has influenced also the works analysing various groups of criminal offence. The effects and influence of the theoretical achievements of general legal theory and sociology and political sciences have also been significant. The influence of the latter has found an expression primarily in a novel approach to the sociopolitical foundations of penal law.

1. Since the middle of the 'sixties a number of authors have selected for their subject of research the tasks and social functions of penal law. Major works have been published discussing the relation between penal law and ethics (N. F. Kuznietsova), between penal law and sociology (A. A. Gersenzon) and between penal law and criminology.[46] Studies and collections of studies have been published on the essence and social contents of penal law (P. F. Grishanin, Yu, A. Demidov).[47] One may find a lot of short studies laying the foundations of research on effectivity. Monographs treating this subject reflect the wide scope of the investigations (the application of law, legislation).[48]

A novel approach to the traditional theoretical issues may be discovered in certain major comprehensive works and textbooks.[49] Monographic works can be classified essentially into four main groups. They are: the notion and statutory definition of criminal offences; culpability and punishability; the offenders' personality; and the system of criminal sanctions (penalties and penal measures). A number of books have been published which have delt with juvenile delinquency with a complex criminological and procedural approach.

For works written about the notion of criminal offence a new topic appeared, namely differentiation, i.e. the distinction of particular groups of offences by the measure of social dangerousness represented by them.[50]

The elements belonging to the abstract statutory definition of crime have been examined by these works and analyzed based on their social contents and with an approach making use of the attainments of other disciplines.[51] Studies on culpability[52], on punishability[53] and on the perpetrators' personality[54] have been characterized by a trend of sociological, psychological and criminological considerations. A relatively high number of monographs have been dealing with the theoretical issues of the sanction system of penal law and with the various types of penalties. The general theoretical works are characterized by an approach to the aims, essence, contents, and effectivity of the sanction system of penal law from social, political, legal, psychological and moral aspects. The discussion of the mentioned basic theoretical issues has been fruitful. It is among general issues that a number of new ideas find expression concerning the development, the internal differentiation, the homogenity and (or dichotomous nature of penalties and penal measures) of the sanction system.[55] Works have been published which deal with the different kinds of punishment, particularly, imprisonment[56] and with the various types of penal measures. A novel scientific analysis of measures can be discovered in the works that treat the allowing the exemption of perpetrators of acts representing the lower limits of criminal liability or allowing prevention through nonpenal measures.[57]

Works discussing juvenile delinquency may be classified into four groups considering the main characteristics of their major traits. The first group includes works dealing with juvenile delinquency as a social phenomenon and discusses its causes, conditions and the legal and non-legal means of its prevention.[58] The second topic is the examination of the characteristics of the establishment of the criminal liability of juveniles and the analysis of the legally relevant specific traits.[59] The third group embraces the sanctions, the penalties and measures to be applied against juveniles,[60] while the fourth examines the possibilities and methods of ensuring the special protection of juvenile offenders.[61]

2. Major studies discussing the problems related to specific offences have also been influenced by a criminological trend. In addition to the topics characteristic of the previous period a number of monographs have focused on the causes, the conditions permitting the perpetration of offences bolonging to the examined group or on the specific tasks of prevention. The distribution of the various topics calls our attention, on the one hand, to the structure of criminality, i.e. what groups of offence represent a major mass, on the other hand, it reflects the aspects of legal policy that urge a higher effectiveness of the protection of certain fields by criminal law or in cases in the twillight-zone of penal law the application of non-penal means instead of that of criminal law.

As far as the various offence-groups are concerned, a high number of monograps has been devoted to offences against property. Works discussing the protection of the various forms of social property attribute an axtremely important role to etiology and on the basis of this to the so called signalization. (The signalization means in this sense the obligation

of the authorities proceeding in criminal cases to explore the causes and conditions making the perpetration of the act possible and to inform the proper persons of the findings of the investigation.)

The works discussing offences against property in the case of certain types of these acts discuss also the possibilities of differentiation, diversion and decriminalization depending on the gravity of the act and they analyze the possibilities both of the application of law and future legislation.[62] Of course, the protection of the property of persons engages the authors' attention too.[63] The new systems of economic management represent novel tasks for the protection of property provided by penal law. Offences against the economy are also related to offences committed in office. All this requires the complexity of their examination and analysis.[64] During the last 15 years the issue of ensuring the rights of the citizens have become a central problem in all fields of social, political and legal life. This tendency is reflected also by the literature of criminal law. although the protection of civil rights and interests is evidently an issue primarily of other branches of law. In the literature concerning the specific offences a high number of studies is devoted to the protection of the personality and the persons under criminal law. Monographs dealing with this topic have also been published.[65] As a sign of the development of technology, cases related to traffic appear in a growing number before courts. The protection of traffic order is the task of penal law, in the final analysis. A part of traffic violations represent problems belonging to the twillight-zone of criminal law, consequently it concerns the general theoretical issues of establishing criminal liability. Most of the acts are committed through negligence so they provide a topic for studies discussing culpability. The separation of criminal traffic offences and administrativ infractions demands the deep analysis of the problems of both culpability and the result of the act.[66]

2. Criminology

From the middle of the 'sixties on, the development of criminology has been striking. During the past 15 years criminology has become an idependent discipline in the socialist countries and, as we have pointed out, it plays an important role also in the development of the theories of the other branches of criminal sciences. The process, of course, has not been produced by random factors. Its basis and its main moving force is the social and political demand expressed in the principles of legal policy that defines the main tasks of crime-control in the prevention of crime and criminal offences. The task requires the realistic and deep knowledge of crime as a social phenomenon and of criminal offences as individual phenomena, since performing the functions of prevention and the selection of the best measures can be possible only if reality is explored and analyzed. During the process of the development of criminology, general and special investigations have become separated. In addition to the complex investigations of general theoretical problems, special investigations of

various offence categories, dealing with the exploration and analysis of special causes and conditions have gained a growing importance.

1. Comprehensive works, textbooks and monographs report the results of the general theory of criminology and the process and new achievements of investigations concerning those.[67] In the sphere of general foundations, the most frequently discussed groups of topics are the following: the clarification of the social, political functions of criminological studies, i.e. making use of the attainments of criminology in the widest scope of legislation and the application of law (Kudryavtsev, V. N. Yakubovich, Yu. L., Smirnova, L. E. Müller, F., Galperin, I. M. Pavlov, S., Kirin, V. A. Tomin, M. etc.)[68] Studies in methodology have been carried on in order to improve the organization and realization of criminological investigations.[69] Recently, a number of works discuss the theoretical and practical problems of the prognostication of crime (Perevoznik, P. F., Vigh, J. Grigorev, G.)[70] Extensive and profound research is done in the sphere of criminological causality. Works discussing the theoretical problems of causality deal equally with social causes and conditions manifested in the behavior of persons, in addition to the general theoretical and phiolosophical problems of causality.[71] The scope of psychological, criminal-psychological and criminological investigations is particularly wide and they embrace from the examination of the causality of deviant forms of behaviour to the empirical studies of normal and abnormal psychical factors, to almost all philosophical, moral, legal theoretical problems of the causality of human behaviour (Sewczik, H., Stichler, G., Dettenborn, H., Prülich, H. H., Seve, L., Lukasheva, E. A. Tararukhin, S., A., Panev, B., Popper, P., György, J. etc.)[72]

2. At the beginnings of the new socialist theory of criminology, the so-called special criminological investigations were limited primarily to the behavioural forms of juveniles, as personalities reflecting specific physiological, psychological marks and being connected to society throught their specific environment first of all. During the last 15 years this scope of topics has been significantly broadened. Among investigations concerning particular groups of offences those that concern the offences against property[73] and their perpetrators, concerning offences of violence and their perpetrators and concerning recidivists[74] should be mentioned; these studies usually have had an impact also on the literature of substantive criminal law. Studies are carried on concerning female criminality and traffic criminal offences.[75]

3. The theory of criminal procedural law

From the second half of the 'sixties on laying the theoretical foundations of criminal procedural law and criminal procedure has been carried on partly developing topics mentioned in connection with the previous period and partly through the development of new areas. Among the issues of general theory a number of works have been dealing with the legal position of the participants of the procedure and with the theoretical and

practical problems of evidence. As a result of studies on the process and the phases of procedure the differentiation of procedural forms has come to the for and, due to the conception of socialist criminal procedure as a homogeneous process, the monographic elaboration of the contents and the system of the preparatory phase has become a central issue.

1. As far as the fundamental theoretical issues of criminal procedure are concerned, the doctrines of criminal procedural law are discussed by several authors; they deal with the social and legal contents of the norms of criminal procedural law (Melzikov, Yu., M., Bezhev, V. P., Zus, L. V., Pavlov, S.)[76] A number, of monographs discuss the theoretical foundation of criminal procedure the systems of its principles, the problems of socialist legality and the establishment of truth, the protection of the participants' rights and the important principles of procedure (Luther, H., Bein, H., Pavlov, S., Alekseev, N. S. Lukashevich, V. Z. Dobrovolskaya, T. N. Babaev, A. S., Natovilovker, Ya. O., Kutsova, E. F. etc.)[77] The weight of the contents and system-founding significance of the principles is provided by the requirement of the legal regulation of the principles (actual principles) in the socialist legal literature. It follows from this that the contents, system of the principles and also their significance from the point of view of legislation and the administration of justice are thoroughly discussed also by textbooks[78]. In the literature of criminal procedural law, effectivity is a new topic demanding more and more attention. In recent years, in addition to the high number of studies and articles, also several monographs have been published on the theoretical foundations of the examination of criminal procedural effectivity, on the possibilities of measuring effectivity and on the effectivity of the penal norms applied in criminal proceedings (Fatkulin, F. N. Elkind, P. S., Petrukhin, L. L. etc.)[79] Finally, it is the development of the legal contents of criminal procedure, i.e. of the doctrines of procedural relationships that finds an expression in works which examine and analyze the legal position, the rights and the obligation of the participants of procedure. The topic of monographs dealing with the participants of criminal procedure is most frequently the lawyer of the counsel for the defence and the victim or the private party enforcing his civil claim (Kokorev, L. D. Ginczburg, G. A., Abrai, Ya. S. Boikov. A. D. Savitsky, G. F. Fatkulin, F. N., Nikulin, E. L. Kotchev, Radeva, S., etc.)[80]

The most important principle and requirement and task at the same time, of criminal procedure is the establishment of the objectiv truth, which ensures legality, prevention and the effectivity of the administration of justice equally. For this reason it is natural that the interest of the theory of criminal procedure is centred on the law of evidence.

In the analysis of the problems of the process of taking evidence many authors discuss the problems of truth as it can be established in the preparatory phase and also the establishment of the truth in the judicial process, and they deal with evidentiary means too. (Cséka, E., Mukhin, I. I., Hermann, G., Vinogradov, I. V., Gödöny, J., Larin, R. M., Selinov. N. A.)[81] They look for specialities but they accept at the same time the uniform

validity of evidentiary theory for the whole scope of criminal procedure. The essence of the uniform evidentiary theory is that the obligations of authorities proceeding in criminal matters that are related to the full and objective establishment of the truth are requirements defined with the same contents for both the reparatory proceedings and the judicial process. In the realm of the general theoretical issues of evidence longer studies have been published making use of the achievements of the discipline of criminalistics on the principles of evidence, on the conditions of the establishment of the truth, on the nature of truth, on the kinds of evidence and presumptions, on circumstancial evidence, on the psychological aspects of interrogation and its aspects of criminology (Zhogin, N. V. Arsenev, V. D., Mukhin, I. I. Fatkulin, F. N. Dabaev, V. K., etc.)[82] Many monographs are devoted to the discussion of the various kinds of evidentiary means. The majority of monographs discuss expert evidence as an evidentiary means through which the new achievements of science and technology can be made use of in criminal proceedings.[83] Major studies have been published also on the inspection of the scene of the offence, material evidence, documents as the possible evidentiary means. (Pusztai, L., Kertész I., Selivanov, N. A., Pinkhasev, B. J.)[84]

In this period studies concerning the participation of society in the administration of justice and the possibilities of dealing with minor criminal acts in social proceedings also have been going on. Several monographs have been published which treat these social ways and their role in crime prevention.[85] The number of monographs treating the procedural means of coercion has remained invariably low.[86] The theoretical problems of the procedural means of coercion are discussed primarily by the general theoretical works that treat the guarantees of the basic rights of the citizens and the protection and safeguards of those rights.

2. The analysis of the order and forms of the uniform administration of criminal justice points toward the differentiation, (Barna, P., Lopushansky, F. A., Vasyutin, A. P. Kivshy, Yu. D., Déri. P., Luzgin, I. M. etc.)[87] Many authors discuss the dynamism, the initiation and process of the inquiry (investigation) as a screen, i.e. the bases and ways of terminating the procedure in the preparatory phase. (Dubinsky, A. Ya., Khristov, V., Hermann, R., Ley, D., etc.)[88]

Studies concerning the judicial process are also of many approaches. The attention of the authors has been concentrated in this period on the activity of the courts and the results of judicial actions. A number of books have discussed the procedural limits, legal contents of the judicial process and the legal position of the participants (Vorobev, G. A., Grun., A. Ya., Fatkulin, F. N. Yurchenkov, V., E., etc.)[89] but the majority of the monographs are devoted to the examination of the problems of judicial activity, decision and prevention. The issues of judicial ethics have come to the fore (Gorsky, G. F. Kotov, D. P., Tamás, A.)[90] and the legal, philosophical and logical aspects of decision-theory also are much discussed (Nagy, L., Király, T.).[91] Finally, many authors study the social impact of the judicial process and decision and their significance for prevention, in

other words, the real effectivity of the operation and decision of courts.[92] The initial results of the studies of effectivity open further perspectives for scientific work.

NOTES

[1] See in detail: *Szabó-Nagy, T., Szabó, T.* "Dogmatism in the Theory of Criminal law", I–II. Jogtudományi Közlöny, 1964. pp. 95–104. and 147–158.

[2] *Szabó, A. G.:* "On Stalin's Works of Philosophy", Magyar Filozófiai Szemle, 1971. pp. 853–884; "Soviet Theory of Law" For the Complete Elimination of the Harmful Consequences of the Cult of the Person". Külföldi Jogi Cikkgyűjtemény, 1962. No. 2.

[3] *Vishinsky, A. J.:* The Theory of Evidence in Soviet Law, (Budapest, 1952). *Cheltsov, M. A.:* Sovietskii ugolovny protsess (Moskva: 1951). *Golunsky, S. A.:* "Veroyatnost'i uverennost'v ugolovnom processe", Problemy ugolovnoi politiki (Moskvarennost'v ugolovnom processe", Problemy ugolovnoi po.itiki (Moskva, 1957).

[4] *Wishinsky, A. I.:* The Problems of the Theory of Soviet State and Law (Two studies), (Budapest, 1952).

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DIE ENTWICKLUNG DER KRIMINALWISSENSCHAFTEN IN EINIGEN SOZIALISTISCHEN LÄNDERN (1950 – 1980)

TEREZA SZABO-NAGY

In der ersten Periode waren (1950 – 55) die Kriminalwissenschaften durch das politische Dogmatismus, und durch die nützliche doch begrenzte Dogmatik charakterisiert. In der zweiten Periode (1956 – 1965) der entschiedene Auftritt gegen das Dogmatismus ermöglicht die Neuvewertung der theoretischen Probléme des Strafrechts und des Strafprozessrechts, die Ausarbeitung des gesellschaftlichen Inhaltes dieser Rechtszweige, sowie der Weiterentwicklung der kriminologischen Forschungen. In der dritten Periode (1966 –, 1980) werden diese Tendenzen weiter bekräftigt. Ins Zentrum wird die Differenzierung, die Dekriminalisation gestellt, sowie die gemeinsame Geltendmachung des Schutzes der Gesellschaft und der staatsbürgerlichen Garantien, die Prevention und die Effektivität.

РАЗВИТИЕ КРИМИНОЛОГИЧЕСКИХ НАУК В СОЦИАЛИСТИЧЕСКИХ СТРАНАХ (1950 – 1980 ГГ.)

ТЕРЕЗА САБО-НАДЬ

В первых период (1950 – 1955 гг.) криминологические науки были охарактеризованы вредным политическим догматизмом и полезным, но поставленным в рамки правовым догматизмом. Во второй период (1956 – 1965 гг.) решительное выступление против политического догматизма дало простор переоценке проблемы теории уголовного права и уголовно-процессуального права, развитию криминологических исследований. В третьий период (1966 – 1980 гг.) эти тенденции продолжают усиливаться. В центре внимания находятся, далее, дифференциация, совместное и единовременное осуществление защиты общества и гарантий граждан, предупреждение и эффективность.